

#13

Express Mail No.: EL50445-613US

Mailed: 12 January 2001

Applicant:

BATMAN, Carol Jane; BYRD, Nancy Kennedy; DISHOP, Timothy J.;  
HENDERSON, Les G.; HOPKINSON, Patricia A.; MOAK, Stephen E.; PARKER,  
James R.; POLASKI, Frank M.; SHEARER, Atwell, R.; TETZLAFF, Tracy L.; SLY,  
Lynne Denise; KLEM, Kurt Gerard

Title: INSTRUMENT SETUP UTILITY PROGRAM

International Serial No.: PCT/US98/25850

International Filing Date: 04 December 1998

U.S. Serial No.: 09/555,718

Attorney Docket No.: 5727-65998

522 Rec'd PCT/PTD 12 JAN 2001

- ☒ Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a  
Filing Under 35 U.S.C. 371 (2 sheets in duplicate)
- ☒ Response to Notification of A Defective Response (2 sheets in duplicate)
- ☒ One Original Counterpart Declaration and Power of Attorney--Patent Application Form (4 sheets)
- ☒ Postal Card

The stamp of the Patent Office hereon indicates receipt of the above-listed papers  
RDC/mje

526 Rec'd PCT/PTO 29 JAN 2001

January 29, 2001  
Mailed:  
Applicant: Batman, et al  
Title: Instrument Setup Utility Program  
Docket: 5727-65998  
Serial No.: 09/555,718  
Intntl Serial: PCT/US98/25850  
Filed: June 2, 2000  
Intntl Filing: December 4, 1998

☒ Information Disclosure Statement  
☒ Certificate Under 37 C.F.R. 1.8(a)  
☒ Copy of 4 References

The stamp of the U.S. Patent & Trademark Office affixed hereto  
acknowledges receipt of the indicated papers.

RDC:kat



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/555718	BATMAN	5727-65998
RICHARD D CONARD BARNES & THORNBURG 11 SOUTH MERIDIAN STREET INDIANAPOLIS, IN 46204		INTERNATIONAL APPLICATION NO.
		PCT/US98/25850
		I.A. FILING DATE
		PRIORITY DATE
		04 DEC 98
		04 DEC 97
		DATE MAILED:
		14 DEC 00

### NOTIFICATION OF A DEFECTIVE RESPONSE

1. ☐ The request for an extension of time (37 CFR 1.136(a)) filed \_\_\_\_\_ is defective because the required fee is missing/insufficient. Extension of time fees are listed at 37 CFR 1.17(a)(1)-(a)(5).

2. ☐ Applicant's response filed \_\_\_\_\_ was received in the Office on \_\_\_\_\_, which is after the expiration of the period for response set in the last Office notification mailed \_\_\_\_\_. This application will become abandoned unless applicant obtains an extension of time to reply to the last Office notification under 37 CFR 1.136(a).

3. ☒ Applicant's response filed NOV 28 2000 included the following items, the receipt of which is hereby acknowledged:

- ☐ Copy of the international application in:
  - ☐ a non-English language.
  - ☐ English.
- ☐ Translation of the international application into English ☐ which is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ Processing fee (37 CFR 1.492(f)) ☐ which is insufficient.
- ☒ Oath or Declaration of inventor(s).
  - ☐ in compliance with 37 CFR 1.497(a) and (b).
  - ☒ not in compliance with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☐ Surcharge (37 CFR 1.492(e)) ☐ which is insufficient.
- ☐ Copy of Article 19 amendments.
- ☐ Translation of Article 19 amendments into English.
- ☐ The International Preliminary Examination Report in English and its Annexes, if any.
- ☐ Translation of Annexes to the International Preliminary Examination Report into English.
- ☐ Preliminary amendment(s).
- ☐ Information Disclosure Statement(s).
- ☐ Assignment document.
- ☐ Power of Attorney and/or Change of Address.
- ☐ Substitute specification.
- ☐ Verified Statement Claiming Small Entity Status.
- ☐ Priority Document.
- ☒ Other: Ext. of Time

DOCKETED

FOR Notification/Res  
BY mqe  
DATE 18 Dec 2000  
CHECKED BY \_\_\_\_\_  
DATE \_\_\_\_\_

4. ☒ All of the requirements set forth in the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905 mailed JUN 30 2000) have not been completed.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements (Form DO/EO/905), whichever is the longer. No extension of this time limit may be granted under 37 C.F.R. § 1.136, but the period for response set in the Notification of Missing Requirements may be extended up to a maximum of five months.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

Enclosed: ☒ PCT/DO/EO/917 ☐ Notice of Defective Translation

John L. Anderson *la*

Telephone: 703-308-9116

Express Mail No. EL501 50613US

Mailed: 12 January 2001

09 / 555 718

**BARNES & THORNBURG**11 South Meridian Street  
Indianapolis, Indiana 46204  
(317) 236-1313PATENT APPLICATION*IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Group:* Unknown }*Attorney* }*Docket:* 5727-65998 }*Applicant:* BATMAN, Carol Jane; BYRD Nancy  
Kennedy; DISHOP, Timothy J.;  
ENDERSON, Les G.; HOPKINSON,  
Patricia A.; MOAK, Stephen E.;  
PARKER, James R.; POLASKI,  
Frank M.; SHEARER, Atwell R.;  
TETZLAFF, Tracy L.; SLY, Lynne  
Denise; KLEM, Kurt Gerard }*Invention:* INSTRUMENT SETUP UTILITY  
PROGRAM }*U.S. Serial No:* 09/555,718 }*International. Serial No:* PCT/US98/25850 }*International Filing Date:* 04 December 1998  
(04.12.98) }*Earliest Priority Date:* 04 December 1997  
(04.12.97) }RESPONSE TO NOTIFICATION OF A DEFECTIVE RESPONSEAttention: DO/EO/US  
Box PCT  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Notification of A Defective Response mailed 14 December 2000  
(14.12.00), Applicants' undersigned counsel submits herewith a complete Declaration and

Power of Attorney signed by Tracy Knudsen, formerly (nee) Tetzlaff. (Mrs. Knudsen married and took her husband's last name between the time the international phase of this application was filed and the time she signed her declaration.) On review of the papers submitted in response to the Notice to File Missing Parts dated June 30, 2000, Applicants' undersigned counsel noted that Mrs. Knudsen's signature page was unaccompanied by the remaining pages of the Declaration. Applicants' undersigned counsel believes that this is the deficiency noted in the Notification of a Defective Response.

Accordingly, Applicants submit that this application is now in condition for further favorable consideration, culminating in allowance. Such action is respectfully requested.

Applicants believe that no fee is due for this rectification. In the event a fee is due, the Commissioner is hereby authorized to charge any additional fees which may be required to Deposit Account No. 10-0435 using attorney's reference number 5727-65998. A duplicate of this letter is enclosed.

Respectfully submitted,




Richard D. Conard,  
Atty. Reg. No. 27321,  
Attorney for Applicants

Attachment: Complete and Original Declaration and Power of Attorney--Patent Application  
(Signed by Tracy L. KNUDSEN (previously Tracy L. TETZLAFF))

RDC/mje/358104  
Indianapolis, Indiana 46204  
(317) 231-7285

522 Rec'd PCT/PTO 12 JAN 2001  
09/555718

FORM PTO-1300 (REV 12-29-99)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY'S DOCKET NUMBER 5727-65998
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371			U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 09/555,718
INTERNATIONAL APPLICATION NO. PCT/US98/25850	INTERNATIONAL FILING DATE 04 December 1998	PRIORITY DATE CLAIMED 04 December 1997	
TITLE OF INVENTION INSTRUMENT SETUP UTILITY PROGRAM			
APPLICANT(S) FOR DO/EO/US: BATMAN, Carol Jane; BYRD, Nancy Kennedy; DISHOP, Timothy J.; HENDERSON, Les G.; HOPKINSON, Patricia A., et al.			
<p>Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:</p> <ol style="list-style-type: none"><li>1. <input type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.</li><li>2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.</li><li>3. <input type="checkbox"/> This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).</li><li>4. <input type="checkbox"/> A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.</li><li>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))<ol style="list-style-type: none"><li>a. <input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau).</li><li>b. <input type="checkbox"/> has been transmitted by the International Bureau.</li><li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li></ol></li><li>6. <input type="checkbox"/> A translation of the International Application into English (35 U.S.C. 371(c)(2)).</li><li>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))<ol style="list-style-type: none"><li>a. <input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau).</li><li>b. <input type="checkbox"/> have been transmitted by the International Bureau.</li><li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li><li>d. <input type="checkbox"/> have not been made and will not be made.</li></ol></li><li>8. <input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li><li>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). (4 pages)</li><li>10. <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li></ol> <p>Items 11. to 16. below concern document(s) or information included:</p> <ol style="list-style-type: none"><li>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li><li>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li><li>13. <input type="checkbox"/> A FIRST preliminary amendment. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment.</li><li>14. <input type="checkbox"/> A substitute specification.</li><li>15. <input type="checkbox"/> A change of power of attorney and/or address letter.</li><li>16. <input checked="" type="checkbox"/> Other items or information: RESPONSE TO NOTIFICATION OF A DEFECTIVE RESPONSE (2 sheets in duplicate)</li></ol>			

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <b>09/555,718</b>		INTERNATIONAL APPLICATION NO. <b>PCT/US98/25850</b>		ATTORNEY'S DOCKET NUMBER <b>5727-65998</b>	
17. <input type="checkbox"/> The following fees are submitted: <b>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):</b> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... \$ 1,000 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... \$ 360 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$ 710 International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$ 690 International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) ..... 100 <div style="text-align: right; margin-top: 10px;"><b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b></div>				<b>CALCULATIONS</b> PTO USE ONLY <div style="border: 1px solid black; height: 150px; margin-top: 5px;"></div>	
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	- 20 =		X \$18.00		
Independent claims	- 3 =		X \$80.00		
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			X \$270.00		
<b>TOTAL OF ABOVE CALCULATIONS =</b>					
Reduction of 1/2 for filing by small entity, if applicable. A Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28).				\$	
<b>SUBTOTAL =</b>					
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	
<b>TOTAL NATIONAL FEE =</b>					
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	
<b>TOTAL FEES ENCLOSED =</b>					
				Amount to be:	\$
				refunded	
				charged	\$
a. <input type="checkbox"/> A check in the amount of \$_____ to cover the above fees is enclosed.  b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$_____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>10-0433</u> . A duplicate copy of this sheet is enclosed.					
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO: <b>CONARD, Richard D.</b> <b>BARNES &amp; THORNBURG</b> <b>11 South Meridian Street</b> <b>Indianapolis, IN 46204</b>					
				<div style="text-align: center;">             SIGNATURE:  <b>Richard D. Conard</b>            NAME  <b>27321</b>            REGISTRATION NUMBER         </div>	